

Naomi Levelle Haslitt, OSB No. 075857
naomi.haslitt@millernash.com
Iván Resendiz Gutierrez, OSB No. 154617
ivan.resendiz@millernash.com
MILLER NASH GRAHAM & DUNN LLP
3400 U.S. Bancorp Tower
111 S.W. Fifth Avenue
Portland, Oregon 97204
Phone: 503.224.5858
Fax: 503.224.0155

Attorneys for Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

JAMES-BRENT: ALVAREZ,

Case No. 6:19-cv-01071-AA

Plaintiff,

DECLARATION OF IVÁN RESENDIZ
GUTIERREZ IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT

v.

LUKE SITTS, an individual; GERI
BROOKS, an individual; SCOTT
GEETING, an individual; STEVEN
BARRETT, an individual; DON MORRIS,
an individual; MATTHEW
CARMICHAEL, an individual; and
MICHAEL H. SCHILL, an individual,

Defendants.

I, Iván Resendiz Gutierrez, declare as follows:

1. I am an attorney with Miller Nash Graham & Dunn LLP, the attorneys of record for defendants, Luke Sitts, Geri Brooks, Scott Geeting, Steven Barrett, and Don Morris

(collectively, "Defendants,") in the above-captioned action and make this declaration in support of Defendants' motion for summary judgment (the "Motion"). I am competent to testify to the matter stated herein and either have personal knowledge of the facts stated below or they are from sources deemed reliable.

2. Counsel for defendants conferred with plaintiff, James-Brent: Alvarez, by telephone regarding the issues in the Motion on November 24, 2020, but the parties were not able to agree.

3. Portions of the audio in Exhibit 5, Exhibit 6, Exhibit 7, and Exhibit 8 to the Declaration of Jason Wade in Support of Defendants' Motion for Summary Judgment (the "Wade Declaration") have been modified to remove the sound. The modified sections contain information that we believe plaintiff would not want to have publicly available. Defendants have produced the videos to plaintiff without the modified portions.

4. Portions of Exhibit 2 to the Wade Declaration have been redacted to remove confidential or personal information or to remove information that we believe plaintiff would not want to have publicly available.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 29th day of January, 2021.

s/ Iván Resendiz Gutierrez

Iván Resendiz Gutierrez

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Declaration of Iván Resendiz Gutierrez
in Support of Defendants' Motion for Summary Judgment:

James-Brent: Alvarez
c/o 30924 Kenady Lane
Cottage Grove, Oregon 97424
jb22.1978.008@gmail.com

Plaintiff Pro Se

by the following indicated method or methods on the date set forth below:

- ☐ **CM/ECF system transmission.**
- ☐ **E-mail.** As required by LR 5-9, any interrogatories, requests for production, or requests for admission were e-mailed in Word or WordPerfect format, not in PDF, unless otherwise agreed to by the parties.
- ☒ **E-mail** (per agreement to service by e-mail).
- ☐ **Facsimile communication device.**
- ☐ **First-class mail, postage prepaid.**
- ☐ **Hand-delivery.**
- ☐ **Overnight courier, delivery prepaid.**

DATED this 29th day of January, 2021.

s/ Iván Resendiz Gutierrez

Iván Resendiz Gutierrez, OSB No. 154617
Attorneys for Defendants